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2                   UNITED STATES DISTRICT COURT  
3                   WESTERN DISTRICT OF WASHINGTON  
4                   AT TACOMA  
5

6 SHARON CORYHARMON,

7                   Plaintiff(s),

8                   v.

9 GLENN T IACOVETTA, et al.,

10                  Defendant(s).

CASE NO. 3:12-cv-05288-BHS

MINUTE ORDER REGARDING  
INITIAL DISCLOSURES, JOINT  
STATUS REPORT, AND EARLY  
SETTLEMENT

12  
13                  NOW, on April 10, 2012, the Court directs the Clerk to enter  
14 the following Minute Order:

15                  **I. INITIAL SCHEDULING DATES**

16                  Pursuant to the Federal Rules of Civil Procedure, the Court sets the  
17 following dates for submission of the Joint Status Report and Discovery Plan:  
18

19                  Deadline for FRCP 26(f) Conference:                   July 18, 2012  
20

21                  Initial Disclosures Pursuant to FRCP 26(a)(1):       August 1, 2012  
22

23                  Combined Joint Status Report and Discovery  
24                  Plan as Required by FRCP 26(f) and Local  
25                  Rule CR 16:   August 8, 2012  
26

25                  **II. JOINT STATUS REPORT & DISCOVERY PLAN**

26                  All counsel and any pro se parties are directed to confer and provide the

1 Court with a combined Joint Status Report and Discovery Plan (the "Report").

2 This conference shall be done by direct and personal communication, whether  
3 that be a face-to-face meeting or a telephonic conference. The Report will  
4 be used in setting a schedule for the prompt completion of the case. It  
5 must contain the following information by corresponding paragraph numbers:

6     1. A statement of the nature and complexity of the case.

7     2. The results of the FRCP 26(f) conference.

8     3. A proposed deadline for joining additional parties.

9     4. A statement of which ADR method (mediation, arbitration, or other)

10 should be used. The alternatives are described in Local Rule CR 39.1 and in the  
11 ADR Reference Guide, which is available from the clerk's office. If the parties  
12 believe that there should be no ADR, the reasons for that belief should be stated.

13     5. Unless all parties agree that there should be no ADR, a statement  
14 of when mediation or another ADR proceeding under Local Rule CR 39.1 should  
15 take place. In most cases, the ADR proceeding should be held within four months  
16 after the Report is filed. It may be resumed, if necessary, after the first session.

17     6. A proposed discovery plan that indicates:

18         (a) The date on which the FRCP 26(f) conference and FRCP 26(a)  
19 initial disclosures took place;

20         (b) The subjects on which discovery may be needed and whether  
21 discovery should be conducted in phases or be limited to or focused upon  
22 particular issues;

23         (c) What changes should be made in the limitations on discovery  
24 imposed under the Federal and Local Civil Rules, and what other limitations

1 should be imposed;

2 (d) A statement of how discovery will be managed so as to minimize  
3 expense (e.g., by forgoing or limiting depositions, exchanging documents  
4 informally, etc.); and

5 (e) Any other orders that should be entered by the Court under FRCP  
6 26(c) or under Local Rule CR 16(b) and (c).

7 7. The date by which the remainder of discovery can be completed.

8 8. Do the parties consent to assignment of this case to a full-time United  
9 States Magistrate Judge pursuant to 28 U.S.C. § 636(c) and Local MJR 13 to  
10 conduct all proceedings? Agreement in the Joint Status Report will constitute the  
11 parties' consent to referral to U.S. Magistrate Judge JRC.

12 *\*\*If counsel OR pro se parties do consent, each attorney/party MUST sign the document.*

13 9. Whether the case should be bifurcated by trying the liability issues  
14 before the damages issues, or bifurcated in any other way.

15 10. Whether the pretrial statements and pretrial order called for by Local  
16 Rules CR 16(e), (h), (i) and (1), and 16.1 should be dispensed with in whole or in  
17 part for the sake of economy. (*The court will make the final determination.*)

18 11. Any other suggestions for shortening or simplifying the case.  
19 12. The date the case will be ready for trial, keeping in mind that this case  
20 should be resolved within twelve (12) months of filing of the complaint unless  
21 the case is unusually complex.

22 13. Whether the trial will be jury or non-jury.  
23 14. The total number of trial days required.  
24 15. The dates on which trial counsel may have complications to be

1           considered in setting a trial date.

2           16. Whether this case should be considered for designation for trial at the  
3           Federal Building in Vancouver, WA. Counsel should note that the courtroom  
4           at the Federal Building in Vancouver cannot accommodate a jury trial.

5           17. If on the due date of the Report, all Defendant(s) or Respondent(s)  
6           have not been served, counsel for Plaintiff shall advise the Court when service  
7           will be effected, why it was not made earlier, and shall provide a proposed  
8           schedule for the required FRCP 26(f) conference and FRCP 26(a) initial  
9           disclosures.

10          18. List the date(s) that each and every nongovernmental corporate party  
11          filed its disclosure statement pursuant to Fed. R. Civ. P. 7.1.

13          If the parties are unable to agree on any part of the Report, they may answer  
14          in separate paragraphs. **SEPARATE REPORTS SHOULD NOT BE FILED.**

15          The time for filing the Report may be extended only by court order. Any  
16          request for extension should be made by telephone to Trish Graham at  
17          (253) 882-3850.

18          If the parties wish to have a status conference with the Court at any time  
19          during the pendency of this action, they should notify the Courtroom Deputy,  
20          Gretchen Craft, by telephone at (253) 882-3825.

21          **III. PLAINTIFF'S RESPONSIBILITY**

23          This order is issued at the outset of the case, and a copy is sent to  
24          counsel for Plaintiff (or Plaintiff, if pro se) and any Defendants who have  
25          appeared. Plaintiff's counsel (or Plaintiff, if pro se) is directed to serve copies  
26          of this order on all parties who appear after this order is filed within ten (10) days

1 of receipt of service of each appearance. Plaintiff's counsel (or Plaintiff, if pro se)  
 2 will be responsible for starting the communications needed to comply with this  
 3 order.

#### 4 **IV. MANDATORY ELECTRONIC FILING**

5 Counsel shall electronically file all documents with the Court. Pro se  
 6 litigants may file either electronically or in paper form. Information and  
 7 procedures for electronic filing can be found on the Western District of  
 8 Washington's website at [www.wawd.uscourts.gov](http://www.wawd.uscourts.gov). Assistance is available from  
 9 the ECF help desk at (866) 323-9293 or (206) 370-8440. The following  
 10 procedures apply in all cases pending before Judge Settle:

- 11 • When the aggregate submittal to the Court (i.e., the motion, any  
   12 declarations and exhibits, the proposed order, and the certificate of  
   13 service) exceeds **50** pages in length, a paper copy of the documents (with  
   14 tabs or other organizing aids as necessary) shall be delivered to the Clerk's  
   15 Office for chambers within three days after filing. Paper copies shall not  
   16 be submitted until after the document for which a paper copy is required  
   17 has been electronically filed. The paper copy shall be identical to that  
   18 which is located on the Court's electronic docket so that the copy contains  
   19 on its heading the docket number, date filed, and ECF page number.
- 20 • All proposed stipulated, agreed, or otherwise uncontested orders must be  
   21 emailed to [settleorders@wawd.uscourts.gov](mailto:settleorders@wawd.uscourts.gov) in Word or Wordperfect  
   22 format.

#### 23 **V. PRIVACY POLICY**

24 Pursuant to Federal Rule of Civil Procedure 5.2 and Local Rule 5.2, parties

1 must redact the following information from documents and exhibits before they  
2 are filed with the Court:

- 3 • Dates of Birth – redact to the year of birth
- 4 • Names of Minor Children – redact to the initials
- 5 • Social Security Numbers and Taxpayer Identification Numbers – redact in  
6 their entirety
- 7 • Financial Accounting Information – redact to the last four digits
- 8 • Passport Numbers and Driver License Numbers – redact in their entirety

9 **VI. EARLY SETTLEMENT CONSIDERATION**

10 Early settlement of cases, before they become costly and time-consuming,  
11 is beneficial to all parties and to the Court. The Federal Bar Association  
12 Alternative Dispute Resolution Task Force Report for this district stated  
13 the following:

14 [T]he major ADR related problem is not the percentage of civil  
15 cases that ultimately settle, since statistics demonstrate that  
16 approximately 95% of all cases are resolved without trial. However,  
17 the timing of settlement is a major concern. Frequently, under our  
18 existing ADR system, case resolution occurs far too late, after the  
19 parties have completed discovery and incurred substantial  
expenditure of fees and costs.

20 The judges of this district have adopted a resolution "approving the Task  
21 Force's recommendation that court-connected ADR services be provided as  
22 early, effectively, and economically as possible in every suitable case." The  
23 steps required by this order are meant to help achieve that goal while preserving  
24 the rights of all parties.

25 If settlement is achieved, counsel shall notify Gretchen Craft by telephone  
26 at (253) 882-3825.

## **VII. SANCTIONS**

A failure by any party to comply fully with this order may result in the imposition of sanctions.

The foregoing Minute Order was authorized by THE HONORABLE  
BENJAMIN H. SETTLE, UNITED STATES DISTRICT JUDGE.

s/ Trish Graham

Trish Graham  
Judicial Assistant